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A Study on Live in Relationship: Whether it is Against Law?

J. JASHWANTH¹ AND S. KARTHIGA²

ABSTRACT

Live in Relationship is the new concept that is emerging world wide. Some countries do follow it already and its normal for them while some countries like India are not favoring it. Its hard for them to recognize such concepts because its way out of their customs and belief. But few people support it and following it. This research aims to explore the concepts of Live in relationship, whether it is accepted and is valid in modern Indian Society, is it against our Indian law and whether it is an offence . The probabilities of people who are supporting it and opposing it. The legality of the child born out of this relationship. And whether women can claim maintenance under this relationship and is entitled to the property. The consequences of this emerging concept, seeking to know whether it does good to the society or the individuals or is just done for other purposes. There is no proper legislation that supports live in relationship but there are precedents which can be relied upon.

Keywords: *Live in relationship, Indian society, Legality of women and children, Marriage, customs and belief.*

I. INTRODUCTION

Live in relationship is the concept where a male and female live together without getting married. Usually marriage is a big ceremony and is considered as sacred according to the Indian people. All religion has their own personal laws for marriage. Everyone practice their own way of marriage in accordance with their belief, practices and especially law. Marriages are considered legal only when it is registered. Hindus practice saptapadi while Christians exchange rings and Islam pronounce prayers but only when it is registered it is said to be legal according to the law. But in this concept of live in there is no such valid marriage and registration is not taken place to prove its legality. But there are certain precedents of Supreme court that states few conditions to make live relationship valid. But on the other side nobody can claim this concept as illegal because then it would violate Fundamental right that is Article 21 of Indian

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Constitution which is right to privacy. So this concept has to be dealt in most crucial ways which will be quite challenging to the Judiciary.

(A) Objectives and scope:

- To research about the concepts of live in relationship and its legality.
- To determine the legality of Child born out of live in relationship.
- To determine whether maintenance can be provided to women in this relationship and property rights.
- To provide the advantages and disadvantages of this concept.
- To analyze the probability of people who supports it and opposes it.

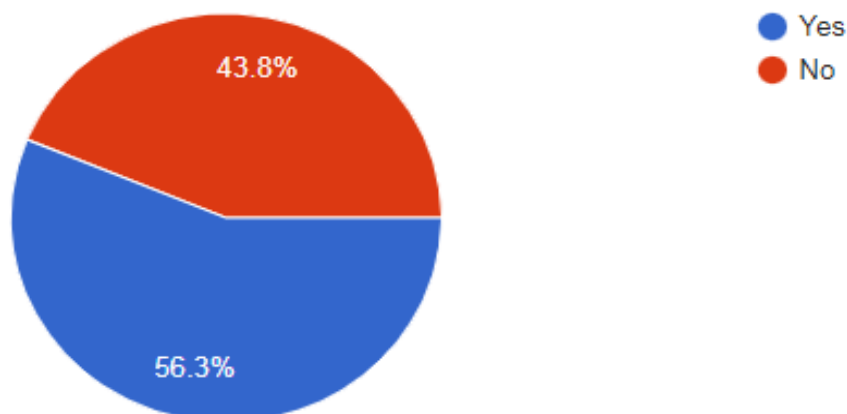
The concept of live in relationship emerges all around India irrespective of which religion, state, race, language, colour they follow.

(B) Methodology

Descriptive research methodology: Survey was conducted through google forms that is by questionnaire. It was conducted irrespective of age and all the individuals expressed their opinions .The independent variables included in the study were all sorts of individuals irrespective of their age and occupation to get to know all peoples's perspective and the dependent variables used for the study is about the emerging concept of live in relationship and its validity in India. Statistical method was used to analyse the data.

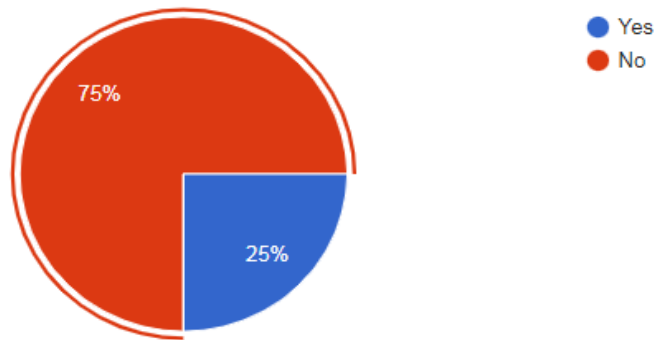
II. ANALYSIS

1. Whether live in relationship in modern Indian society is valid ?



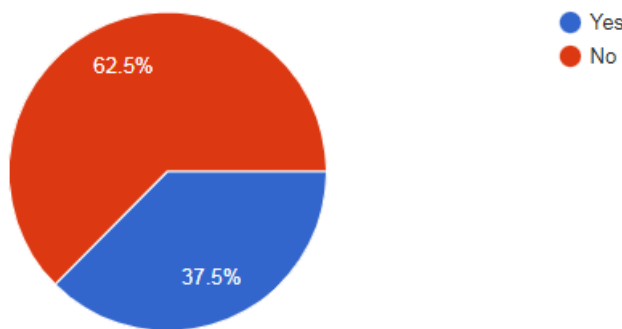
Legend: 43.8% of people stated that live in relationship in modern Indian society is not valid and remaining 56.3% of individuals commented that it is valid.

2. Do you support live in relationship?



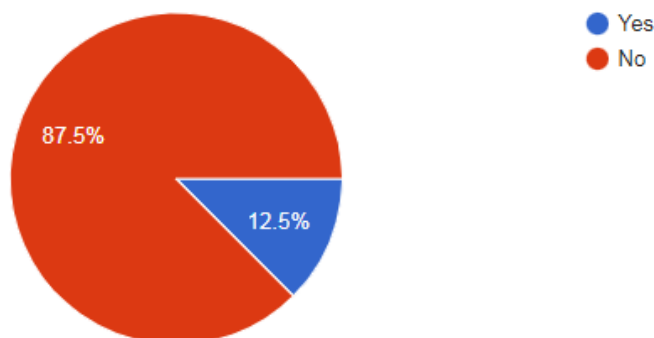
Legend: 75% of individuals are not supporting the concept of live in relationship and only 25% of people are supporting it.

3. Is live in relationship against law and is an offence?



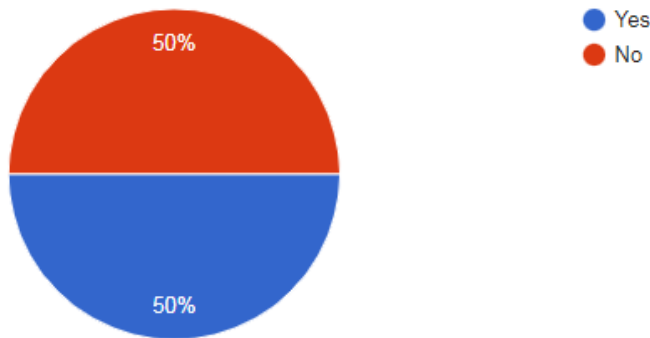
Legend: 62.5% of individuals states that live in relationship is against law and is an offence and only 37.5% opposes it.

4. Is live in relationship equals to a valid marriage?



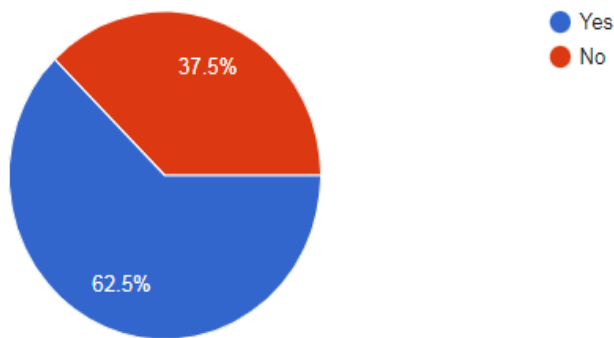
Legend : 87.5% of individuals states that live in relationship does not equals to marriage but 12.5% states that it is equal to marriage.

5. Can a child be considered as legitimate when born out of this relationship?



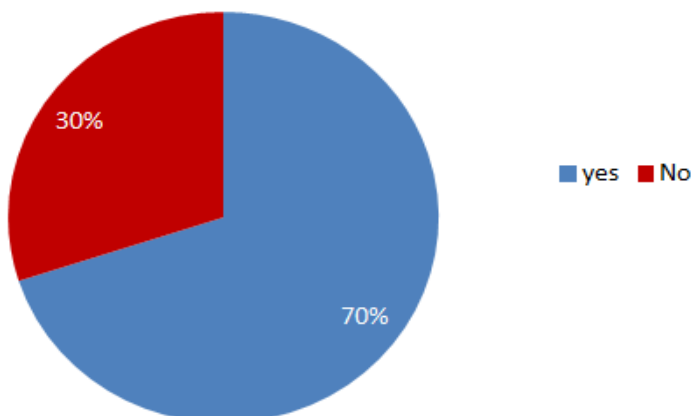
Legend : 50% of individuals states that child should be considered as legitimate and remaining 50% states that they are not legitimate child.

6. Do the child have legal rights and entitled to the property of his father?



Legend : 62.5% of individuals states that child has legal rights and entitled to the property of his father and 37.5% of individuals states that they don't have legal rights over the property.

7. Can female claim maintenance under the live in relationship and is entitled to the property of her husband ?



Legend : 70% of individuals states that women can claim maintenance and is entitled to the property of her husband and only 30% opposes it.

8. What is your opinion on Live in relationship? Is it right or wrong? Justify?

- More than justifying it as right or wrong. It is been misused in the society by a group of people.
- Not understanding what moderate conservatism might be the root cause here.
- It is their own wish according to me it is wrong.
- It depends upon individual, nothing wrong with live in.
- Right, Its their own opinion.
- It varies from one person to another. If the couple is interested in it they can go for it. There is nothing right or wrong in it.
- You can just get married.
- It is wrong, And I don't think it will build a good structure for our society.
- Good
- It's completely wrong.
- Wrong
- Wrong
- It is based on individuals.
- It depends on the Individual
- Nothing wrong about it, it's a decision that's required to be made depending on the person's interests.

Legend: Many of the individuals opinion states that it is individuals own interest and choice to decide on the matter. But most of them suggested that they wouldn't follow and have no comments on it because its their own choice.

III. RESULT

From chart we understood that live in relationship in modern Indian society is valid as it is between two consenting adults and is not considered illegal. But must provide themselves as husband and wife and must live together for a significant period of time. Both must be adults and not minor. But still few people are against it as they feel that there are high probability to

misuse this relationship. As both individuals are not in the intention of getting married but just to live together without commitment and responsibility. If that is the case, then the child born out of this relationship will suffer and would be left alone without either of the partners care and attention. When the intention of partners are wrong then it would amount to wrong examples in the society.

The Supreme court provide its verdict in *D.Velusamy v. D. Patchaimmal*, stating that certain requirements must be met to qualify as live in relationship, they are

- Couple must be of legal age.
- Must reside together and for a significant period of time.
- Must meet the requirements of a valid marriage.

From chart it clearly understood that not all people are here to support this relationship. Because most of them are not supporting to it. They are being neutral as there are lot of consequences that has to be faced by them when they support it. Most of the people states that it is against law and may be considered as an offence. It can be determined that it is against law because there is no such legislation that supports the relationship nor against it. There are people which is in huge number who are not considering it as a marriage nor equals to it. Because marriage is considers as sacred and all personal laws governs marriage and registration is must for a marriage to be valid. In case of the child, according to law, there is no fault on the side of child and its rights must not be taken away and not consider it as illegitimate. Because the responsibility or the fault lies on the partners and not the innocent child. And in the case of *Bharatha Matha v. Vijaya Ranganathan*, the Supreme court held that Child born out of live in relationship are legitimate and allowed to inherit the self acquired property of the father.

But from the chart, we understood that half of the people states the child as legitimate and half cannot accept the child born out of this relationship. In case of maintenance, it is granted to women when she cannot maintain herself and after getting divorce. But in this case there is no concept of divorce or judicial separation as there is not marriage takes place. But when it is proved that it fulfills all conditions of valid live in then can claim maintenance that too only under certain conditions. And is entitled to the self acquired property of her partner not from the joint family properties except from the share of her husband.

There are certain advantages where the concept of live in relationship can prevent divorces and in some cases abuse of either partners especially women. Because when we don't know much about the partners there leads to misunderstandings and leads to divorces. This concept can be

used in a positive ways by understanding and knowing each other well and then take up decisions like marriage . Which aids in finding the right partner. And even benefits the children.

IV. LIMITATION

Due to lack of time, study was restricted within a limited sample frame. A large number of individuals opinions cannot be collected. And also there are lot of people who feel uncomfortable in expressing their opinions on this concept of Live in. And also aged person are not well aware of this relationship and after explaining and making them aware of it took extra time. Manu individuals gave neutral opinions and so its quiet hard to find out a solution.

V. SUGGESTION

Few ways on how to regulate the concept of live in relationship, A proper legislation must be made to address the rules and conditions of live in relationship. And must clearly provide the legality of partners and especially the child. Because there are high chances where the child can be affected. And must provide stricter rules in age factor and number of years of staying together as couples for being accepted as live in relationship.

VI. CONCLUSION

In conclusion, this research paper has explored various aspects and views of individuals on live in relationship. And government must provide with proper legislation that governs live in and must make registration process as a valid rule in live in also. And must be very conscious that at no cost child must be affected and left isolated. The rights of the child must be protected. In the concept of live in relationship there is both advantage and disadvantage. It lies on the minds of an individual who get into this relationship and making it protective and positive for them. And eventually it is their fundamental right as right to privacy cannot be violated.

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